

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
CHECKLIST FOR ACCESS COMPLIANCE COMMITTEE
MEETING MINUTES**

December 12, 2011

1. CALL TO ORDER

Staff Member Jemmott opened the meeting at 10:05 a.m. at Department of Rehabilitation, 721 Capitol Mall, Room 242, Sacramento, California 95814. She called a 10-minute recess in the hope that Chair Luehrs would arrive shortly.

During the recess, Mr. Vitale announced that Committee Member Nearman had just been promoted to Deputy Director of the California Building Standards Commission (BSC).

Mr. Vitale addressed an issue at hand: there had been an expectation that the work product would be delivered sometime in 2012 – the difficulty with that is that the drafts of the new code will be occurring during the year 2012, but the enforcement of the 2013 Building Code will not take place until January 2014.

To further complicate the matter, the 2013 code publishing date has two 180-degree windows: one that commences January 1, 2013 for the final code subject to comments, and a 180-day period for publishing.

This suggests that the Committee's Checklist probably is best served by working with the 2010 code, knowing that it will need to be updated in 2014 when the new code comes online. At least that gives the Committee a year-and-a-half-long trial as to the effectiveness of the Checklist, and will not delay the Committee getting something out during the 2012 legislative cycle.

Mr. Vitale stated that a meeting needs to take place between Senator Corbett's representative and Chair Margaret Johnson to discuss this issue. If a presentation is to be made before the Senate, the Committee will know in what manner it should be done.

Mr. Vitale referred to the two-page Checklist mentioned in the October Meeting Minutes. Chair Johnson had since been informed that a two-page Checklist would have difficulty holding up in court in order to protect a Title III that's had work done and certified; a higher level of detail is necessary.

Commissioner Pomerantz suggested that an electronic document of any length could be prepared for use on iPads and smart phones. Building inspectors could search for an answer to any question; text could be reprinted for any court case.

Mr. Vitale stated that the document has two parts: there is the document that the CCDA is mandated to develop for voluntary use by the building departments, and the document to which an individual could go via iPhone, computer, etc., and perform an initial self-evaluation of his/her own facility.

Mr. Vitale proposed that for the next meeting, the Committee bring in a consultant who already has an electronic product up and running. It is currently being used by the City of

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Sacramento as well as other cities and counties in the state. This consultant would give a presentation.

Mr. Vitale went on to say that the Committee cannot sole-source this document. At some point, a set of guidelines for an RFP must be developed, giving the opportunity for any other firms to make proposals.

Commissioner Pomerantz asked about budget. Mr. Vitale stated that the Committee is presently budgeted to develop a template document but not a system that could be used by jurisdictions throughout California.

Commissioner Pomerantz expressed concern about time constraints. Mr. Vitale suggested an Emergency Declaration that would allow the Committee to bypass having to go to bid for the production of this electronic document; with a sole source, the document could be produced in six months or less. In this case, Senator Corbett's staff would need to hear a presentation so they could understand the validity of the undertaking.

ROLL CALL

Staff Member Jemmott called the roll.

Commissioners Present: Michael Nearman
Mitchell Pomerantz (Teleconference)
Betty Wilson (Teleconference)

Commissioners Absent: Richard Luehrs, Chair

CCDA Staff Present: Jim Vitale
Angela Jemmott
Lavonia Wade

Also Present: Stacey Pray, SHP Project Development
(Teleconference)
Steve Dolim, Certified Access Specialist
(Teleconference)

Staff Member Jemmott stated that a quorum was present.

2. APPROVAL OF MEETING MINUTES (OCTOBER 31, 2011)

MOTION: The Committee voted unanimously to approve the Minutes of October 31, 2011.

3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Steve Dolim commented that the prominence of the Checklist and the time extensions were of grave concern to the Certified Access Specialist Institute (CASI). They would like to see this move as quickly as possible so that there is a workable document, and they were in full support of any creative methods to move the effort on a fast timeline.

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4. GENERAL BUSINESS ITEMS

Commissioner Pomerantz queried whether the Committee had determined with certainty that there was nothing they could adapt from within the State of California, to avoid having to go outside and spend additional revenue, and possibly having to go through the RFP process.

Mr. Vitale stated that there were currently three documents within State control:

- The Real Estate Services Development Sections Checklist for properties leased or bought by the State for compliance with access is a long, cumbersome document generated about eight years ago in a paper format. It would need to be upgraded to the present code. It is focused primarily on office spaces.
- The Department of the State Architect (DSA) uses a plan review document for Title II facilities – K-12 and community colleges. It is not Title III-focused.
- The Department of Rehabilitation (DOR) uses an older document that has not been recently upgraded.

Mr. Vitale stated that presently there are no viable State documents that are up-to-date that the Committee could use.

He described the advantages of having an electronic document:

- The BSC could update code references electronically when they occur, without having to send out paper notices to holders of the code each time the code changes.
- Everyone could be kept up-to-date without having to expend printing costs.
- Paper, i.e. trees, could be conserved.
- The issue is non-partisan and could be supported by the Legislature.

Commissioner Wilson asked how to move this recommendation forward. Mr. Vitale replied that it would be subject to the review of the new electronic platform at the next Committee meeting. Acceptance and/or rejection of the presentation would determine action to move forward: cost and timeline (including vetting of the platform throughout the State).

Mr. Vitale supplied the name of the company that would produce the electronic platform: Accela, based in Cupertino.

Mr. Vitale recommended that representatives of CASI, the American Institute of Architects (AIA), California Building Officials (CALBO), and the Associated General Contractors of America (AGC) – those organizations that would benefit from this new format – attend the January meeting. Mr. Dolim agreed.

Commissioner Pomerantz suggested for CCDA staff to notify the abovementioned organizations.

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Commissioner Wilson stressed that all those who will be reviewing the Checklist should be aware that it is a living document, subject to amendment, change, and revision as needed.

Mr. Vitale agreed. To go a step further, consistency of interpretation within the seven different State agencies which have responsibility for implementation of the Building Standard Code for California should be addressed.

a. Review and Discussion of Checklist Format

Commissioner Pomerantz asked about references to the Americans with Disabilities Act (ADA) within the document. Mr. Vitale stated that a dual column format was in order: the California Building Code provisions would be side by side with the ADA and Architectural Barriers Act (ABA) Guidelines. Distinct differences between the two would be highlighted.

MOTION: Committee Member Nearman moved to request Accela to present its model platform for electronic plan review purposes at the next Committee meeting; AIA, AGC, CALBO and CASI representatives would be invited to attend; the Committee will present its subsequent recommendations at the next full Commission meeting on January 23. Commissioner Pomerantz seconded. Motion carried unanimously.

b. Development of the Accessibility Checklist

(1) Developing a simple 2-page checklist

The Committee had covered this topic in their initial offline discussion.

5. FUTURE CHECKLIST COMMITTEE MEETINGS

MOTION: Committee Member Nearman moved to schedule the next Checklist for Access Compliance Committee meeting on January 19 at 10:00 a.m. Commissioner Wilson seconded. Motion carried unanimously.

Commissioner Wilson offered her facility for the Los Angeles teleconference location.

6. FUTURE AGENDA ITEMS

Committee Member Nearman commented on the process for the review of the draft documents coming out of the BSC.

- He recommended for everyone to place their names on the BSC database by accessing the website and submitting a request.
- He remarked that this Committee needed to elect a new Vice Chair.
- National Access Standards will be out in March 2012.
- All agencies will be required to submit their original proposals to the BSC in June 2012 to be reviewed by the Code Advisory Committee; this is prior to

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the 45-day public comment period. It's a good time to get copies of what the DSA has come up with in conjunction with the other organizations.

- The DSA may hold a number of meetings with stakeholders; those on the BSC database will receive notices of the meetings.
- After June 1 (the BSC's required submittal date) this Committee will have a document to look at as a deliverable to base future work upon.
- Commissioner Pomerantz inquired about whether there would be a presentation on the new code cycle process at the full Commission meeting in January. Committee Member Nearman responded that a 15-minute overview could certainly be done.
- Committee Member Nearman noted that a preliminary draft of the timeline for the 2012 cycle had been posted on the BSC website: www.bsc.ca.gov via the Codes page.
- Absolute dates were the effective date of January 2014, the publication date of July 2013, and the approval at the end of 2012 by the Commission of all the agencies' proposals for the triennial cycle.
- Mr. Vitale requested a bubble diagram indicating each of the agencies that have a responsibility for delivering a component to the new code, and the responsible party at each agency.

6. ADJOURN

MOTION: Commissioner Pomerantz moved to adjourn the meeting.
Commissioner Wilson seconded. Motion carried unanimously.

The meeting adjourned at 11:07 a.m.